



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
**JOSEPH A. CURTATONE**  
**MAYOR**

PLANNING DIVISION

***PLANNING BOARD MEMBERS***

KEVIN PRIOR, *CHAIRMAN*  
JOSEPH FAVALORO, *CLERK*  
ELIZABETH MORONEY  
JAMES KIRYLO  
MICHAEL A. CAPUANO, ESQ.  
DANA LEWINTER (ALT.)

**Case #: PB #2009-06**  
**Site: 79 Bow Street**  
**Date of Decision: September 3, 2009**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: September 9, 2009**

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**PLANNING BOARD DECISION**

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<b>Applicant Name:</b>	Michael Perganitis
<b>Applicant Address:</b>	14 Jason Street, Arlington, MA 02174
<b>Property Owner Name:</b>	Michael Perganitis
<b>Property Owner Address:</b>	14 Jason Street, Arlington, MA 02174
<b>Agent Name:</b>	Apostolos M. Antonopoulos
<b>Agent Address:</b>	37 Roberts Road, Cambridge, MA 02138

Legal Notice: Applicant & Owner Michael Perganitis requests a Special Permit to construct a sign for a by-right social club (SZO §5.1 & 6.1.22.D.5). CCD zone. Ward 3.

<u>Zoning District/Ward:</u>	CCD zone/Ward 3
<u>Zoning Approval Sought:</u>	§5.1 & §6.1.22.D.5
<u>Date of Application:</u>	August 11, 2009
<u>Date(s) of Public Hearing:</u>	September 3, 2009
<u>Date of Decision:</u>	September 3, 2009
<u>Vote:</u>	4-0

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Appeal #PB 2009-06 was opened before the Planning Board at Somerville City Hall on September 3, 2009. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Planning Board took a vote.



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## **DESCRIPTION:**

The proposal is to add signage to the building for the social club. A professional sign maker would manufacture the sign. It would be 14.4 square feet (1.42 x 10.17 feet), made of wood, and would be primed on both sides and painted. There would be molding around the sign and raised letters. The color would be light blue with black letters.

## **FINDINGS FOR SPECIAL PERMIT (SZO §5.1 & §6.1.22.D.5):**

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

1. Information Supplied: The Board finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

2. Compliance with Standards: The Applicant must comply "with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit."

The sign design complies with the design guideline for signage in the CCD (§6.1.22.H). The sign respects the buildings' context. It would be located on a board between the first floor windows and molding that frames the first floor. The sign enhances the architectural detail of the molding and does not conceal other important façade details. Other signs in the area are located in similar locations. It would be oriented to pedestrians at this height and would be subordinate to the overall building in its size and appearance. The sign's material would be wood and it would not be lit. These characteristics comply with the list of materials and sign technologies that are recommended. The sign is legible and does not have excessive wording. The frame and letters would add depth and interest to the sign.

3. Consistency with Purposes: The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to providing for and maintain the uniquely integrated structure of uses in the City and the purpose of the CCD by promoting an active mix of uses with structures that complement the historic structures in the area.

4. Site and Area Compatibility: The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."

The sign would be compatible with the building's design and other signs in the area as explained in finding two.

## **DECISION:**

Present and sitting were Members Kevin Prior, Elizabeth Moroney, Joseph Favaloro and Dana LeWinter. Upon making the above findings, Kevin Prior made a motion to approve the request for a special permit. Dana LeWinter seconded the motion. Wherefore the Planning Board voted **4-0** to **APPROVE** the request. In addition the following conditions were attached:



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#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for a 14.4± s.f. wood sign. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>August 11, 2009</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>August 11, 2009</td><td>Plans submitted to OSPCD (proposed sign)</td></tr></table>				Date (Stamp Date)	Submission	August 11, 2009	Initial application submitted to the City Clerk's Office	August 11, 2009	Plans submitted to OSPCD (proposed sign)
	Date (Stamp Date)				Submission					
	August 11, 2009				Initial application submitted to the City Clerk's Office					
	August 11, 2009				Plans submitted to OSPCD (proposed sign)					
Any changes to the approved sign that are not <i>de minimis</i> must receive ZBA approval.										
2	The sign shall be made of wood and the sign frame and letters shall be raised.	BP/CO	Plng.							
3	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final sign-off on the building permit to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.							



Attest, by the Planning Board:



Kevin Prior, Chairman



Elizabeth Moroney



Joseph Favaloro



Dana LeWinter

Copies of this decision are filed in the Somerville City Clerk's office.  
Copies of all plans referred to in this decision and a detailed record of the  
SPGA proceedings are filed in the Somerville Planning Dept.

### **CLERK'S CERTIFICATE**

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 3.2.10.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner



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of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on \_\_\_\_\_ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

\_\_\_\_\_ there have been no appeals filed in the Office of the City Clerk, or  
\_\_\_\_\_ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

\_\_\_\_\_ there have been no appeals filed in the Office of the City Clerk, or  
\_\_\_\_\_ there has been an appeal filed.

Signed \_\_\_\_\_ City Clerk Date \_\_\_\_\_



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